

Erin Ware #1017483  
PO Box 7000 Carson City NV 89402  
Tamar Pro Se

UNITED STATES DISTRICT COURT  
DISTRICT of Nevada

NAME,

Plaintiff(s),

-vs-

CASE NO.

3:22-cv-00037-ART-CSD

Ware v. Sullivan

NAME,

Defendant(s).

COMES NOW, plaintiff, in PRO PER and herein above respectfully

Moves this Honorable Court for a Motion of order: To Review Full

Medical File's In C.R. F.R.C.P 16-1-22-3. AND 707-

The above is made and based on the following Memorandum of Points and Authorities.

Dated this 2024.

## MEMORANDUM OF POINTS AND AUTHORITIES

1 Plaintiff, comes now before this Court, in request,  
2 for this Court to order NDC Medical B-I-C officer to provide;  
3 For Medical File for In cell review. FRCP 26.3.

4

### 5 (Legal Analysis)

6 The purpose of discovery provision of F.R.C.P. Rules,  
7 is to eliminate the elements of obscurity from litigation,  
8 and assure a determination of (each) controversy on their  
9 merits. *Hinks v. Kerner*, 404 U.S. at 515; *Id*  
10 *MacKer v. New York C.R.S.O.*, 1 F.R.D. 408 (D.C.N.Y.)

11

12 pursuant to MD 707.01, #14: new addition, medical  
13 records may be kept in cell, by court's order. If an,  
14 I/M is acting (plate). he/she may receive their  
15 medical files, and decide what is needed to properly  
16 prepare for a civil trial. MD 707.01, #14.

17

18 In urging that, I as an *pro se* plaintiff, has a right,  
19 to inquire into the materials secured by DAG's;  
20 and debts at NDC. To duly discover all true,  
21 facts essential to "all claims herein."

22

23 Plaintiff, asserts that the medical files are essen-  
24 tial to his defense of his medical claims;

25 Therein suit. *Id* Relative Case: (2:19-cv-00512-

26 REB-BNW, ECF no 72.) -

27

**AFFIRMATION PURSUANT TO NRS 239B.030**

I, Erin Ware, NDOC# 1017483,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE

ATTACHED DOCUMENT ENTITLED Motion for Request  
for ex post facto review Medical Files in Cell  
F.R.C. P-16-126-3-MD707-  
DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY

PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 15 DAY OF March, 2024.

SIGNATURE: 

INMATE PRINTED NAME: Erin Ware

INMATE NDOC # 1017483

INMATE ADDRESS: ELY STATE PRISON  
P. O. BOX 1989  
ELY, NV 89301

Records Request

plaintiff, requests de FB's: Health Information, officer, Health Information Coordinator, Medical Director Michael Miner, K. Williams.

A.) Full copied Medical File in its entirety for he reviewed in C.R.

B.)

DR SWARTZ order(s) for TWO oral antibiotics and, "AN" DR SWARTZ order(s), recommendations.

C.)

The hist of Bacterial Infection(s) incurred, hist of all series of Antibiotics needed.

### 1 (Conclusion)

Plaintiff, state has had "No" access to his medical files, and NACC Med. staff has delayed several times, And delayed his review of his Med. file to thwart, his attempts at defense.

Plaintiff, prays this Honorable Court grants relief for full in C.R. Med. Review, of his file to present an adequate defense.

Dated this 15 day of March, 2024

By:

  
Erin Ware